

UNITED STATES DISTRICT COURT  
Eastern District of Pennsylvania

**JUDGE SAVAGE'S POLICIES AND PROCEDURES**

**I. Communications with Chambers**

**A. Correspondence**

Written communications concerning any case must be by the filing of a pleading, motion, application, or other similar filing provided for in the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure.

Correspondence is permitted only in the following instances:

- (1) When counsel are specifically requested by the court to communicate information by letter;
- (2) When there is an uncontested request for an extension of the Rule 16 scheduling order deadlines not affecting the dates for filing summary judgment motions; and
- (3) When there is an unanticipated personal matter concerning counsel, a party, a witness, or counsel's immediate family, such as medical problems, vacation plans, or other personal problems; or
- (4) To advise that a case has been settled.

Counsel shall not send copies of correspondence among and between counsel to the Court.

**B. Telephone Calls**

Law clerks have no authority to grant continuances or to give advice on substantive or procedural matters. Therefore, unless contacted by a law clerk, counsel should not communicate with the law clerks.

When a written communication concerning a case cannot timely address a problem, counsel may initiate necessary telephone communications with chambers. Issues appropriately addressed by telephone contact include: scheduling of conferences or proceedings, including pretrial and trial conferences; attendance of witnesses; exhibit handling or arrangements for video replay; and arrangements for telephone conferences regarding discovery disputes.

Telephone inquiries should be directed as appropriate to either one of the following:

Judicial Assistant:	Roseann Giangiordano - 267-299-7480 For matters relating to civil scheduling, case management, and general procedures.
Courtroom Deputy:	Harry E. Grace, Jr. - 267-299-7599 For matters regarding all criminal cases, courtroom procedures, trial setup, and transcripts.

Counsel are advised to submit current telephone and fax numbers to the Clerk's Office, the Courtroom Deputy, and the Judicial Secretary.

### **C. Faxes**

Facsimile transmittal of pleadings, motions, other filings, or correspondence to chambers is not permitted, unless requested.

### **D. Electronic Case Filing ("ECF")**

Counsel shall file all pleadings electronically through ECF.

### **E. Courtesy Copies**

Courtesy copies shall not be provided to chambers unless the exhibits are voluminous or chambers requests them.

## **II. Pretrial Procedure**

### **A. Rule 16 Conference and Rule 26(f) Meeting**

A preliminary pretrial conference as described in Fed. R. Civ. P. 16(b) and (c) will be scheduled shortly after a defendant has filed an appearance or pleading. At least **three business days** prior to the pretrial conference, counsel must file a comprehensive joint report of the Rule 26(f) meeting in the form of the attached sample.

The Court relies on counsel's good faith compliance in all respects with Rule 26(f). The Rule 26(f) meeting shall take place as soon as possible. The meeting should not be viewed as perfunctory but rather as a meaningful and substantive discussion among professionals to formulate the proposed discovery plan required by the Rule and to discuss the parties' factual and legal positions.

Outstanding motions will **not** excuse the requirements of holding the meeting and submitting the plan. Compliance is mandatory. **Parties who do not comply will have no voice at the scheduling conference and may be subject to additional sanctions.**

Topics addressed at the initial pretrial conference are those listed in Local Rule of Civil Procedure 16.1(b), and Federal Rule of Civil Procedure 16(b) and (c), the progress of self-executing disclosure under Federal Rule of Civil Procedure 26(a), discovery, the preservation and production of electronically stored information, settlement and mediation proposals, and the facts regarding liability, damages and relief sought. A Rule 16 Scheduling Order is issued at the conclusion of the conference.

**Lead trial counsel, not an associate, must attend the Rule 16 conference.** Counsel shall have a thorough comprehension of the facts and shall be prepared to discuss all claims and defenses in detail, including settlement, and have authority from their clients to do so.

### **B. Threshold Motions**

Motions to dismiss, transfer, add parties, and other threshold motions should be filed before the Rule 16 conference. Counsel shall be prepared to discuss the merits of any outstanding motions at the conference.

### **C. Settlement Conferences**

Counsel are required to schedule a settlement conference with Magistrate Judge M. Faith Angell as set forth in the Scheduling Order. Counsel must adhere to Magistrate Judge Angell's requirements regarding the conduct of the conference.

### **D. Mediation**

In addressing settlement or early disposition of the case, counsel are reminded that participation in an early alternative dispute resolution effort is strongly encouraged. Counsel should be familiar with the Court's mediation program and Local Rule 53.2.1. Counsel are required to explore the feasibility of ADR, including court-annexed mediation, not only between themselves but with their clients as well. The specific reason for any decision not to participate in a form of early ADR shall be delineated in the Rule 26(f) report.

### **E. *Pro Hac Vice* Motions**

Counsel moving for the *pro hac vice* admission of an attorney must file a motion setting forth the attorney's admissions, the reason why the party desires the attorney to participate and why the attorney is especially qualified to do so. The form application provided by the Clerk is inadequate. If the motion does not comply with this requirement, it will be denied.

### III. Discovery

The Federal Rules of Civil Procedure call for voluntary, cooperative discovery in a **timely** manner. The information required to be disclosed pursuant to Fed. R. Civ. P. 26(a) is required to be exchanged no later than fourteen (14) days after the date of the Order scheduling the Rule 16 conference. Compliance with the Rules is **mandatory**. Counsel are expected to act in accordance with both the **letter** and the **spirit** of the Rules.

The parties are required to commence discovery **immediately** upon receipt of notice of the Rule 16 conference. Pending motions will not excuse counsel from proceeding with discovery. Counsel will be required to report on the progress of discovery at the Rule 16 conference.

When timely discovery is not forthcoming after a reasonable attempt has been made to obtain it, the immediate assistance of the court should be sought after compliance with Local Rule 26.1(f). The certification must state **in detail** what efforts were made to resolve the dispute.

The court encourages the submission of discovery disputes by telephone conference. If a discovery motion is filed, it may be acted upon before a response is filed either with or without a telephone conference.

#### Electronic Discovery

It is expected that the parties will reach an agreement on how to conduct electronic discovery. In the event the parties cannot reach such an agreement before the Rule 16 scheduling conference, the court will enter an order incorporating default standards. The default order can be viewed at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

The parties shall discuss the parameters of their anticipated e-discovery at the Rule 26(f) conference and shall be prepared to address e-discovery at the Rule 16 scheduling conference with the court.

### IV. Motions Practice

#### A. Oral Argument

Oral argument is not routinely scheduled. A party desiring oral argument should request it by letter or in the body of the motion or responsive pleading.

#### B. Reply Briefs

Reply briefs, addressing only issues raised in the brief in opposition and not repeating arguments in the brief, may be filed within seven days of service of the opponent's brief in

opposition and shall be limited to ten pages. No further briefs may be filed.

## **V. Rule 56 Motions**

Any motion for summary judgment filed pursuant to Fed. R. Civ. P. 56 shall include a separate Statement of Undisputed Facts which sets forth, in numbered paragraphs, the material facts that the moving party contends are undisputed and entitle the movant to judgment as a matter of law. Only those facts which bear on dispositive material issues shall be included in the Statement of Undisputed Facts.

The papers opposing a motion for summary judgment shall include a separate statement of material facts, responding to the numbered paragraphs set forth in the Statement of Undisputed Facts, which the respondent contends present genuine issues to be tried. The responding party also shall set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude summary judgment. All material facts set forth in the statement required to be served by the moving party shall be admitted unless controverted by the opposing party.

Statements of material facts in support of or in opposition to a motion for summary judgment shall include specific and not general references to the parts of the record that support each of the statements. Each stated fact shall cite the source relied upon, including the page and line of any document or deposition to which reference is made.

## **VI. Final Pretrial Conference**

In the pretrial memoranda, counsel must detail the substance of the testimony of each witness. Identifying a witness as giving testimony on liability and/or damages is insufficient.

The parties shall provide the Court with one copy of each exhibit and two copies of a schedule of exhibits which shall describe each exhibit. At trial, the parties shall provide the Court an additional copy of each exhibit. Exhibits shall be arranged and tabbed in a three-ring binder.

Sidebar conferences and objections to evidence which should have been anticipated are discouraged and are to be avoided at trial. Consequently, one of the goals of the final pretrial conference, which counsel can expect to last two to four hours, is to resolve all evidentiary issues to avoid delay at trial and to provide counsel with advance notice of evidentiary requirements. Therefore, rulings on all outstanding motions and objections to witnesses and exhibits will be made at the final pretrial conference.

Counsel shall be prepared to state their objections to witnesses and exhibits, and to respond to opposing counsel's objections. It is expected that counsel have discussed and have attempted to resolve all objections to exhibits and testimony prior to the final pretrial conference, leaving for the Court only those objections the parties could not resolve.

Any party intending to use depositions, written or video, at trial must notify all other parties in the pretrial memorandum. Objections to deposition testimony shall be made prior to the pretrial conference in writing, setting forth the page and line numbers of the challenged testimony and a clear statement for the basis of the objection. The objecting party must provide the Court with a copy of the deposition transcript with the challenged testimony highlighted.

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